

ILLINOIS POLLUTION CONTROL BOARD

March 21, 1996

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|-----------------------------|---|-----------------------|
| RALEIGH REALTY CORPORATION, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 96-52 |
| |) | (UST - Reimbursement) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by J. Theodore Meyer):

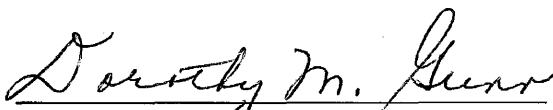
This matter is before the Board on three motions filed March 11, 1996 by Raleigh Realty Corporation (Raleigh): a Motion to File its Motion for Summary Judgment in Excess of 15 Pages; a Motion for Summary Judgment; and, a Motion to File a Reply Brief.

In its Motion to File a Motion for Summary Judgment in Excess of 15 Pages, Raleigh states that the 26-page length of its brief is due, in part, to the numerous bases of denial of its underground storage tank (UST) reimbursement request. Pursuant to 35 Ill. Adm. Code 101.104 (1994), briefs filed with the Board shall be limited to 15 pages, unless the filing party receives prior approval from the Board. We find Raleigh's request reasonable in light of the six bases for denial of its request for reimbursement from the UST fund and hereby grant its request to file a brief in excess of 15 pages.

Pursuant to 35 Ill. Adm. Code 101.241(b) a party may file a response to a motion within seven days after service of the motion. The Illinois Environmental Protection Agency (Agency)'s response was due on or before March 18, 1996. To date an Agency response has not been received; therefore the Board reserves its ruling on Raleigh's Motion to File a Reply Brief and Motion for Summary Judgment.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of March, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board